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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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FURR LAW FIRM 2622 DEBOLT ROAD UTICA, OH 43080			EXAMINER RAMPURIA, SATISH	
			ART UNIT 2191	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/065,749

Applicant(s)

KONDUR, SANKAR NARAYANA

Examiner

Satish S. Rampuria

Art Unit

2191

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 26-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 26-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Response to Amendment

1. This action is in response to the RCE filed on 10/04/2007.
2. The objection to specification still stands rejected due to trademarks used in the application. Appropriate correction is required.
3. Claims cancelled by the Applicant: 1-25.
4. New claims added by the Applicant: 26-37.
5. Claims 26-37 are pending.

Continued Examination Under 37 CFR 1.114

6. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/04/2007 has been entered.

Response to Arguments

7. Applicant has not submitted any arguments in response to the Non-Final Office Action. Applicant should submit an argument and must also discuss the references applied against the claims, explaining how the claims avoid the references or distinguish from them and pointing out disagreements with the examiner's contentions.

With respect to trademarks use, Applicants indicated that trademarks used are in proprietary nature of the marks. However, according to trademarks guideline from the respected trademarks the trademarks should have been used as for example,

- Java should be Java™ (for more information please visit <http://www.sun.com/suntrademarks>)
- Microsoft should be Microsoft® (for more information please visit <http://www.microsoft.com/library/toolbar/3.0/trademarks/en-us.mspx>)
- Netscape should be Netscape® (for more information please visit http://wp.netscape.com/legal_notices/trademarks.html)
- Windows should be Windows® (for more information please visit <http://www.microsoft.com/library/toolbar/3.0/trademarks/en-us.mspx>)

Applicants are respectfully requested to check for any trademark related issued in the instant application. Therefore, the specification is still objected due to trademark used.

Specification

8. The disclosure is objected and still stand objected to because of the following informalities:

The use of the trademark “Java, Microsoft, Netscape, Windows, Oracle, MySQL” etc. has been noted in this application. It should be appropriate or proper term (see MPEP 608.01(v)) used, wherever it appears and be accompanied by the generic terminology (for details please visit <http://www.sun.com/suntrademarks/index.html>,

<http://www.microsoft.com/library/toolbar/3.0/trademarks/en-us.msp>,
www.CompuServe.com, <http://help.prodigy.net/help/legal/trademark.html>,
<http://legal.web.aol.com/ip/ipguide/tmguide.html>,
http://wp.netscape.com/legal_notices/trademarks.html,
<http://www.oracle.com/html/3party.html>,
<http://www.mysql.com/company/legal/trademark.html>). Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Appropriate correction is required.

Claim Objections

9. The new Claim 30 is objected to because of the following informalities: The use of the trademark "java" has been noted in the claim. It should be appropriate or proper term (i.e., Java™) (see MPEP 608.01(v)) used, wherever it appears and be accompanied by the generic terminology. Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Claim Rejections - 35 USC § 101

10. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

11. Claim 26-37 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 26-37 directed to system of functional descriptive material per se, and hence non-statutory. There are no indications or suggestions in the specification or claims that would associate the recited software components in the claims with hardware elements of the electronic device. The recited components of the claims can reasonably be interpreted as computer program modules / software per se. Therefore, the claims constitute computer programs representing computer listings per se. Such descriptions or expressions of the programs are not physical "things." They are neither computer components nor statutory processes, as they are not "acts" being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer, which permit the computer program's functionality to be realized. In contrast, a claimed computer-readable storage device encoded with a computer program is a computer element, which defines structural and functional interrelationships between the computer program and the rest of the computer, that permits the computer

program's functionality to be realized, and is thus statutory. See Lowry, 32 F.3d at 1583-84, 32 USPQ2d at 1035.

Claim Rejections - 35 USC § 112

12. The following is a quotation of the **second paragraph** of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

13. Claim 30 and 36 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 30 contain the trademark/trade name "java" (See previously attached document). Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name.

The rejection of the base claim is necessarily incorporated into the dependent claims.

Claim 36 recites the limitation "said client server". There is insufficient antecedent basis for this limitation in the claim.

The rejection of the base claim is necessarily incorporated into the dependent claims.

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 26-37 rejected under 35 U.S.C. 103(a) as being unpatentable over US Publication No. 2003/0192029 to Hughes (hereinafter, Hughes) in view of US Publication No. 2003/0041313 to Harmon (hereinafter, Harmon).

Per claim 26:

Hughes discloses:

26. (new) A system for software development comprising:

having a datasource manager managing the data (paragraph [0127] "the component catalog 804... stored...storage device (e.g., database server)"),

a client side component (paragraph [0032] "at least one client 108, 108', 108", generally 108" and FIG. 1);

a client system connecting to a server system (See FIG. 1 and related discussion) and

a plurality of server side components (paragraph [0036] “multiple servers 104... application software... implemented in components...”)

where said managing function includes one or more of a group of adding/deleting accounts, adding/deleting users to accounts, modifying the user information and maintaining the account and user directories, adding projects, deleting projects, adding directories, deleting directories, adding files, and deleting files (paragraph [0117] “the requirements design subsystem 816 enables the product manager 204 and the architect 208 to create, edit (Note: i.e., adding/deleting), download, upload, and/or approve requirements in the specification”),

where the server side components includes an Account and Users manager (paragraph [0007] “...a product manager...”), a Project manager (FIG. 2, element 208), a Source code compilation and run-time management (paragraph [0121] “a component development environment (CDE) 832”), a Repository Manager (paragraph [0126] “the scoring module 908... evaluate multiple software designs...”), a Datasource Manager (paragraph [0114] “The component catalog 804 stores components”), a functionality Center (paragraph [0071] “primary architecture review board member 308 tests the functionality of the component”), a Requirements and Analysis center (paragraph [0122] “the QA application 836 executes test cases developed by the QA developer”),

where Account and Users manager (paragraph [0007] “...a product manager...”), a Project manager (FIG. 2, element 208) are core components that are required by other components to access the resources required (paragraph [0007] “The product manager receives... submissions... to the communicated specification.... Each submission is scored, at

least in part based on the degree to which the submission satisfies the communicated specification...").

Hughes does not explicitly disclose a DrawBoard, and a Productivity Wizard, where Account and Users manager, a Project manager are core components that are required by other components to access the resources required, where users use said DrawBoard to draw the screens of the application and where users can use said Productivity Wizards to create parts of their application in an easy way.

However, Harmon discloses in an analogous computer system a DrawBoard (paragraph [0031] "screen...displayed... graphical user interface"), and a Productivity Wizard (paragraph [0031] "data collector wizard"), where users use said DrawBoard to draw the screens (paragraph [0031] "screen...displayed... graphical user interface") of the application and where users can use said Productivity Wizards (paragraph [0031] "data collector wizard") to create parts of their application in an easy way (paragraph [0075] "Developers create designs or components in response to the specification").

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the method of including a DrawBoard, and a Productivity Wizard, where Account and Users manager, a Project manager are core components that are required by other components to access the resources required, where users use said DrawBoard to draw the screens of the application and where users can use said Productivity Wizards to create parts of their application in an easy way as taught by Harmon in the method of software development as taught by

Hughes. The modification would be obvious because of one of ordinary skill in the art would be motivated to have a DrawBoard, and a Productivity Wizard, where Account and Users manager, a Project manager are core components that are required by other components to access the resources required, where users use said DrawBoard to draw the screens of the application and where users can use said Productivity Wizards to create parts of their application in an easy way to provide user interface tool which not only provide height level guidance with respect to configuration options, but which further inform the operator that further configuration is available and provides simplified access to more detailed configuration options (paragraph [0006]).

Per claim 27 (new):

The rejection of claim 8 is incorporated and further, Hughes disclose:

A system according to claim 26 in which said Account and Users manager manages a group of users the functionality related to said groups and users (FIG. 2, paragraph [0040] "...The product manager 202 is the manager for the development and deployment of a component...").

Per claim 28 (new):

The rejection of claim 26 is incorporated and further, Hughes disclose:

A system according to claim 26 in which said Project manager manages Projects, their components and their related functionality (paragraph [0047] "product manager 302 moderates a development team 300, which is formed from an distributed group of

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developers (used here to include designers, design reviewers, developers, development reviewers, etc.)”).

Per claim 29 (new):

The rejection of claim 26 is incorporated and further, Hughes disclose:

A system according to claim 26 in which said Source code compilation and run-time management manages the source code, its compilation and running (paragraph [0042] “QA developer 216 develops the test plan using the requirements specification written by the product manager 202” and paragraph [0121] “a component development environment (CDE) 832”).

Per claim 30 (new):

The rejection of claim 26 is incorporated and further, Hughes disclose:

A system according to claim 26 in which said Repository Manager manages the java packages, projects and other resources in the account and its related activities (paragraph [0034] “implemented in a multi-platform language such as Java or in native processor executable code”).

Per claim 31 (new):

The rejection of claim 26 is incorporated and further, Hughes disclose:

A system according to claim 26 in which said Datasource Manager manages the databases, database accounts, and other databases related functionality for the users

(paragraph [0047] "product manager 302 moderates a development team 300, which is formed from an distributed group of developers (used here to include designers, design reviewers, developers, development reviewers, etc.)").

Per claim 32 (new):

The rejection of claim 26 is incorporated and further, Hughes disclose:

A system according to claim 26 in which said functionality Center manages the Webservices related functionality for the user (paragraph [0126] "FIG. 9, the development posting subsystem 820 includes a web server 902").

Per claim 33 (new):

The rejection of claim 26 is incorporated and further, Hughes disclose:

A system according to claim 26 in which said Requirements and Analysis center provides the Requirements and Analysis functionality for a project (paragraph [0041] "An architect (also referred to as a "designer") 208 designs the software component.

The architect 208 preferably is a senior developer who acts as a mentor to and collaborates with one or more of the other team members 204, 212, 216 to design the architecture of the component" and paragraph [0122] "the QA application 836 executes test cases developed by the QA developer").

Per claim 34 (new):

The rejection of claim 26 is incorporated and further, Hughes does not explicitly disclose in which said Productivity Wizards is a collection of components.

However, Harmon discloses in an analogous computer system in which said Productivity Wizards is a collection of components (paragraph [0039] "FIG. 2, a high level diagram of a user interface tool...data collector wizard...welcome screen 201, component selection screens 202, and customization option screen 203...communication with customization tool 250").

The feature of providing in which said Productivity Wizards is a collection of components would be obvious for the reasons set forth in the rejection of claim 8.

Per claim 35 (new):

The rejection of claim 26 is incorporated and further, Hughes disclose:

A system according to claim 26 in which the client side connects to the server system using a LAN (paragraph [0035] "The communication... LAN or WAN...").

Per claim 36 (new):

The rejection of claim 26 is incorporated and further, Hughes disclose:

A system according to claim 26 in which said client server is a stand alone system (paragraph [0034] "client software 120 may be in the form of a standalone application").

Per claim 37 (new):

The rejection of claim 26 is incorporated and further, Hughes disclose:

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A system according to claim 26 in which the client side connects to the server system using a WAN (paragraph [0035] "The communication...LAN or WAN...").

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Satish S. Rampuria** whose telephone number is **(571) 272-3732**. The examiner can normally be reached on **8:30 am to 5:00 pm** Monday to Friday except every other Friday and federal holidays. Any inquiry of a general nature or relating to the status of this application should be directed to the **TC 2100 Group receptionist: 571-272-2100**

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wei Y. Zhen** can be reached on **(571) 272-3708**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Art Unit 2191



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